



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

29 October 2007

BLR102583.E

Belarus: State protection available to women who are victims of domestic violence (2005 - September 2007)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Situation

The United States (US) Department of State reports that domestic violence against women is a "significant" problem in Belarus (US 6 Mar. 2007, Sec. 5). A 2004 United Nations (UN) report estimates that 30 percent of women in Belarus have experienced violence in the home (UN 2004, para. 323). A 2006 Amnesty International (AI) publication entitled *Belarus: Domestic Violence - More than a Private Scandal*, notes that in 2005, 2,736 women were victims of domestic violence (AI 9 Nov. 2006, Sec. 5). The report also provides statistics from the Ministry of the Interior, Department for the Prevention for Crime indicating that 166 people died in domestic disputes in 2005 (ibid.). AI notes that violence in the context of the Belarusian family may include subjecting women to economic deprivation, verbal and psychological violence, beatings, sexual violence, and death (ibid. Sec. 2). AI asserts that most cases of domestic violence against women find ways around the violence, or they continue to bear it (ibid. Sec. 5).

Research Directorate, Immigration
and Refugee Board, Ottawa

Legal Framework

Belarus has no specific law that criminalizes domestic violence (AI 9 Nov. 2006, Sec. 6; BelaPAN 9 Nov. 2006; ibid. 4 Oct. 2006). The Belarusian criminal code does not differentiate between violence committed by strangers (AI 9 Nov. 2006, Sec. 6). Cases of domestic violence are covered by articles 139, 153, 154 and 186 of the Belarusian criminal code, encompassing assault, sexual violence, murder threats, intentional body damage, severe body damage, torture and destruction of property, respectively (AI 9 Nov. 2006, Sec. 6). The US Department of State *Country Reports for Human Rights Practices for 2006* lists three unspecified criminal codes, including "intentional body damage; severe body damage; and threats; severe body damage; and destruction of property," fall under the code (US 6 Mar. 2007, Sec. 5). Although rape is a criminal act in Belarus, it is rarely viewed as such (ibid.). AI notes that many perpetrators of domestic violence are punished through fines that come out of the family's income, a practice that deters victims from reporting incidents of domestic violence (AI 9 Nov. 2006, Sec. 7); similarly, a representative of Belarus' parliament cited in an article by the Minsk-based news agency BelaPAN indicates that victims often withdraw complaints to protect the family budget (4 Oct. 2006).

AI reports that in 2002, a draft law on domestic violence was discussed in parliament and approved by the Ministry of Interior, but that it failed to pass in parliament due to a lack of political support (AI 9 Nov. 2006, Sec. 6). In 2004, the UN's Committee on the Elimination of Discrimination against Women made a number of suggestions with regards to domestic violence in Belarus, including the enactment of the draft law to prevent domestic violence (UN 2004, para. 348; AI 9 Nov. 2006, Sec. 3). The draft law was reportedly reviewed early in 2006, but sent back to a lower parliamentary chamber committee for budget estimates (BelaPAN 4 Oct. 2006). In October 2006, BelaPAN reported that the draft law on domestic violence is slated for discussion in the National Assembly in 2008 (ibid.). The law would require social services to provide shelter for domestic violence victims; it would lead to educational campaigns and it would incorporate the terms "psychological violence" and "economic violence" into the legal framework (ibid.).

In November 2006, AI reported that Belarus had still not implemented the recommendations of the Committee on the Elimination of Discrimination against Women, including the enactment of the above law (AI 9 Nov. 2006, Sec. 3). Furthermore, the AI report states that although the draft law could protect women from domestic violence, it does not include provisions for punishment, and it contains provisions to admonish victims for "victim behaviour," which could potentially result in women being held responsible for domestic violence if they are judged to have provoked it (ibid., Sec. 6). AI suggests that the inclusion of the concept of victim behaviour in the law could "undermine the absolute obligation of states to protect women from violence" (ibid.).

Government efforts to combat domestic violence

Belarus is a party to major international conventions that concern women's human rights (ibid., Sec. 3; Belarus n.d.) According to AI, the Belarusian government "has taken steps to improve access to justice for victims of domestic violence" (ibid., Sec. 7). In 1996, the Ministry of Internal Affairs created the Domestic Crime Programme (within the Crime Prevention Department), which focuses on crimes within the home (AI 9 Nov. 2006, Sec. 7). Under the program, police stations keep a record of alleged domestic crime perpetrators, called "family scandalists" (ibid.). A dedicated police officer at each station is offered training and assigned time to focus on domestic crime (ibid.). There is an emphasis on developing relationships with potential victims and preventing incidents of domestic violence rather than merely dealing with its aftermath (ibid.). Moreover, officers are encouraged to work with other organizations to combat domestic crime, and AI notes that female victims of domestic violence report that the manner in which police officers respond to female victims of domestic crime has improved (ibid.).

AI cites the Ministry of the Interior as saying that convictions of minor bodily injury, torture, and threat of murder rose more than 700 percent between 2000 and 2005 (ibid.). Nonetheless, AI reports that although it is possible for domestic abuse to be prosecuted without the victim's initiative, such prosecutions can only occur under very specific conditions (ibid.). AI notes that three cases like this began in 2005; however, it concludes that the prosecutor should act independently of a woman's initiation more often (ibid.).

Although some progress has been noted with regards to the efforts taken by the Belarusian government to address domestic violence (UN 13 Feb. 2004, para. 48), various sources state that efforts remain inadequate (AI 9 Nov. 2006, Sec. 9; ibid. 25 Feb. 2007; UN 13 Feb. 2004, para. 8, 25, 26). According to *Be/TA*, in 2005, the chair of the Belarusian Association of Women stated that domestic violence is the most pressing issue in terms of women's protection in Belarus (*Be/TA* 9 June 2005). In June 2006, *BelaPAN* quoted the Belarus' prosecutor general as suggesting that the prevention of domestic violence should be the focus of both government and law enforcement (*BelaPAN* 27 June 2006).

Based on a series of interviews with victims, lawyers, psychologists, non-governmental organizations (NGOs), police and Belarusian officials, a report by AI concludes that victims of domestic violence are insufficiently protected in Belarus (AI 9 Nov. 2006, Sec. 1). The report alleges that there is a lack of temporary shelters and safe housing; insufficient public education regarding domestic violence; inadequate forensic facilities; scarce government training programs for police, judges, medical staff and crisis centre staff (ibid. Sec. 7); and an absence of statistics that delineate incidents of domestic violence by sex (ibid., Sec. 5).

Services

AI reports that Belarusian women have few places to seek refuge when they want to leave the home (ibid.). The Ministry of Labour and Social Welfare operates 156 centres that offer social services, including legal advice and psychological counselling (ibid., Sec. 8). In 2000, a resolution was passed to set up crisis centres within these existing centres. (ibid., Sec. 8). However, AI states that such action requires funding and the personal enterprise of staff members and local governments (ibid.). AI notes that in November 2006, there were only three women's crisis centers in Belarus (ibid.). There are NGOs that help victims of domestic violence (Belarus n.d.), but several sources suggest their efforts are hampered by government restrictions on NGOs (US 6 Mar. 2007, Sec. 5; UN 2004, para. 343), such as a complicated registration process, strict regulations on funding and the ability of government authorities to shut down NGOs quickly (AI 9 Nov. 2006, Sec. 8; US 6 Mar. 2007, Sec. 4). A 2005 law allows an NGO to be closed after one warning, for violations such as an incorrect address, allegedly forging a signature on the NGO registration form, not following the NGO's own bylaws and illegally accepting foreign assistance (ibid.).

AI states that "in practice, victims of domestic violence do not have access to any shelters in Belarus" (AI 9 Nov. 2006, Sec. 8). Although one shelter exists in Minsk (Belarus n.d.), AI reports that it is primarily used for victims of human-trafficking (AI 9 Nov. 2006, Sec. 8). Moreover, *Country Reports 2006* notes that the Minsk centre is underfunded and needs more government support (US 6 Mar. 2007, Sec. 5). Belarusian law requires that both parties agree to any sale of property acquired during a marriage, making the transfer of property particularly difficult in cases of domestic abuse (AI 9 Nov. 2006, Sec. 8). Moreover, there is a housing shortage and many women do not have adequate funds to rent or buy accommodation (ibid.).

For more details regarding domestic violence against women in Belarus, please see *Belarus: Domestic Violence - More than a Private Scandal*, published by Amnesty International in November 2006 (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 25 February 2007. "Belarus: Eliminate Domestic Violence." <http://www.amnesty.ca/take_action/actions/belarus_march8.php> [Accessed 25 July 2007]

_____. 2007. "Belarus." *Amnesty International Report 2007*. <<http://thereport.amnesty.org/eng/Regions/Europe-and-Central-Asia/Belarus>> [Accessed 25 July 2007]

_____. 9 November, 2006. *Belarus: Domestic Violence - More than a Private Scandal*. (EUR 49/014/2006). <<http://web.amnesty.org/library/index/ENGEUR490142006>> [Accessed 25 July 2007]

BelaPAN [Minsk]. 9 November 2006. "Measures Taken by Belarusian Authorities to Protect Women From Domestic Violence are Inadequate, Amnesty International Says." (Factiva)

_____. 4 October 2006. "National Legislature Expected to Debate Domestic Violence Bill in 2008." (Factiva)

_____. 27 June 2006. "Prosecutor General Notes Decrease in Major Crimes." (Factiva)

Belarus. N.d. "Efforts of the Government of Belarus to Combat Human Trafficking." <<http://www.belarusembassy.org/humanitarian/trafficking.htm>> [Accessed 27 July 2007]

BelTA [Minsk]. 5 March 2007. "Belarus Calls for UN to Streamline Coordination of Actions for Elimination of Violence Against Girls." (Factiva)

_____. 9 June 2005. "Nadezhda Ermakova: Domestic Violence is Most Acute Issue in Field of Women's Protection in Belarus." (Factiva)

United Nations (UN). 13 February 2004. Committee on the Elimination of Discrimination Against Women. *Summary Record of the 643rd Meeting*. (CEDAW/C/SR.643) <<http://www.un.org/womenwatch/daw/cedaw/30sess.htm>> [Accessed 27 July 2007]

_____. 2004. General Assembly. *Report of the Committee on the Elimination of Discrimination Against Women*. (A/59/38). <<http://www.un.org/womenwatch/daw/cedaw/30sess.htm>> [Accessed 30 July 2007]

United States (US). 6 March 2007. Department of State. "Belarus." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78802.htm>> [Accessed 26 July 2007]

Additional Sources Consulted

Internet websites, including: Belarusnet; Embassy of the Republic of Belarus in the United States of America; Freedom House; Fédération internationale des ligues des droits de l'homme (FIDH); Human Rights Watch; Legislationline; Office on Violence Against Women (US Department of Justice); Special Rapporteur on Violence Against Women; Stop Violence Against Women; United Nations Development Fund for Women (UNIFEM); United Nations in Belarus; Women Watch.

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.